



# FOREIGN AFFAIRS MANUAL

## VOLUME 9 – Visas

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Date: August 19, 2015

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## 9 FAM 41.51 NOTES

### 1. Summary of Changes

This CT updates 9 FAM 41.51 Notes to include the following paragraph to section N3.1, 50 Percent Rule:

Pursuant to 22 CFR 41.51(b)(11), if the applicant is the investor who is coming solely to develop and direct the enterprise, then the applicant must show that he or she controls or will control the enterprise. Normally such control is shown through at least 50 percent ownership by the applicant, but it can also be shown by possession of operational control (through a managerial position or other corporate device) or by other means. Note, however, that merely occupying a managerial position is not sufficient to meet this requirement if the applicant does not and will not control the enterprise.

2. If this issuance changed less than half the words, we formatted the changed text in *dark magenta italic*. If this issuance changed more than half the words, we did not use *dark magenta italic*. The CT line in each section shows when that section last changed.
3. Officers are reminded that Department-issued materials not codified in the Foreign Affairs Manual or its supplemental Foreign Affairs Handbook series generally have no regulatory validity (see 2 FAM 1111.1).
4. **CA/VO/L/R** is the office responsible for the material in this subchapter; direct questions concerning content substance and interpretation to this office. For administrative questions on the Foreign Affairs Manual and Handbooks, contact the Office of Directives Management (A/GIS/DIR).

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1. Remove and discard the old 9 FAM 41.51 Notes (CT:VISA-1868; 09-06-2012) and insert the new (CT:VISA-2317; 08-19-2015).

2. After inserting the material in the binder, insert this change transmittal letter immediately following the CT Checklist, then fill in the entry line for the appropriate CT and initial.

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